

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**MINUTES
MAUI/LANA'I ISLAND BURIAL COUNCIL MEETING**

DATE: THURSDAY, MAY 26, 2005
TIME: 9:00 A.M.
PLACE: COUNTY O9F MAUI
PLANNING DEPARTMENT
KAULANA PAKU'I BUILDING 1ST FLOOR
250 S. HIGH STREET
WAILUKU, HI 96793

ATTENDANCE:

Members: Charles Maxwell, Chair
Dana Naone Hall, Vice-Chair
Leslie Kuloloio
Michael Minn
Clifford Naeole
Glenn Richardson
William Frampton

Absent: William Waiohu (excused)
Mei Lee Wong (excused)

Staff: Kawika Farm, Stenographer II
Kana'i Kapeliela, Cultural Specialist
Vince Kanemoto, Deputy Attorney General
Melissa Kirkendall, Maui Archaeologist

Guest: Scott Fisher
Howard Hanzawa
Robyn Loudermilk
Robert Street
Rory Frampton

Dawn Chang
Lisa Rotunno-Hazuka
Joe Krueger
Holly Formolo

I. OPENING REMARKS

MLIBC Chair Charles Maxwell calls the meeting to order at 9:10 a.m. A quorum is met, Maxwell acknowledges commissioners Mike Minn, Dana Naone Hall, Clifford Naeole, Leslie Kuloloio and himself and calls on Kuloloio to give the *pule wehe*.

II. APPROVAL OF MEETING MINUTES

March 23, 2005

April 28, 2005

Kawika Farm introduced himself and said that a revised version of the minutes for March 23 has been completed and noted that the revisions were made by the vice-chair and will have the revised versions presented at the next MLIBC meeting. Hall expressed her gratitude for Farm's effort in producing the minutes and explained that an earlier version of the minutes was placed in the IBC packets. Hall asked to defer the approval of the minutes until accurate versions are included at the next meeting.

Hall moved and Minn second "that the Maui/Lana'i Islands Burial Council defer approval of the minutes for March 23, 2005 and April 28, 2005 until the regularly scheduled June meeting."

VOTE: ALL IN FAVOR. The motion carried unanimously.

III. BUSINESS

- A. BURIAL TREATMENT PLAN FOR SITES 50-50-17-5627 & -5628, IN HĀ'Ō'Ū AHUPUA'A, HĀNA DISTRICT, ISLAND OF MAUI; TMK: (2) 1-5-004:005**
Determination/Recommendations: Determination on request for preservation in place for sites 5657 and 5628; Recommendations on burial treatment plan.

Kana'i Kapeliela of SHPD identified himself and asked the council on behalf of SHPD, that Item A; Burial Treatment Plan (BTP) be withdrawn from the agenda due to the fact that it was prematurely placed on the agenda when the applicant was not ready for determination. Kapeliela informed the council that Chris Monahan had called SHPD to let them know he still had a few things to work out and wanted to be stricken from this month's agenda and placed on next month's agenda in June. Maxwell mentioned Monahan was from Scientific Consultant Services (SCS) Archaeology and asked commissioners to comment. Hall said Chris Monahan is working with the land owners and the neighboring families in Hāna on a few more items so that all issues are resolved.

- B. IMPLEMENTATION OF INTERIM AND LONG-TERM PRESERVATION MEASURES IN BURIAL PRESERVATION PLAN FOR SITE 4142, HONOLUA, LĀHAINA DISTRICT, ISLAND OF MAUI; TMK: (2) 4-2-004:031**
Information / Recommendation: Status update, implementation of interim and long-term preservation measures, including access to Site 4142 by lineal and cultural descendants.

Rory Frampton of Chris Hart and Partners, who is representing John and Susan Brennan, the owners of the property introduced himself. Frampton said at the last meeting (April 28, 2005) he informed the council that he, met with family members lineal descendants on the property to discuss what would be done. Frampton said he was waiting on a surveyor to

come out to the property to specifically delineate where the easement is so the walls could be placed precisely where they are supposed to be placed. Frampton said to date no surveyor has been out to the property to put the pins in and they are still waiting for a surveyor so that once the pins are in, then the hard improvements can be made which is the perimeter walls around the preservation area. Frampton said he had spoken with a contractor and tried to get a hold of the property owner so that he could get an update of what the status on the property is, to which he was unsuccessful. Frampton also mentioned from what he understands, it's hard to get a surveyor out to the property because they are so busy.

Maxwell asked the council if they had questions. Minn asked if work had been done on the site to which Frampton answered yes, the vegetation was cleared and they pulled some tape. Frampton said they spray painted the ground so it showed where the pathway would be and cleared the vegetation in that area for the family members visit. Frampton said since the visit with the family members, no further work has been done because of the need for a surveyor to come out and place the pins for the walls of the preservation area. Hall asked if the family members are able to access the site, to which Frampton answered yes. Frampton said there is no formal signage. Hall said we are talking about long-term preservation measures that will be necessary once this property changes hands for instance these measures will still be in place. Frampton said that is correct and if you (Hall) can recall, the BTP was recorded on the deed, so that information does run with the land and any owner in the future will have a copy of the BTP.

Kuloloio asked, "when we first handled this site in the past, wasn't metes and bounds part of the description that was brought before the council?" Frampton answered yes. Kuloloio asked what's the problem with the surveys? Frampton said they didn't put pins in the ground, they created the metes and bounds description but they didn't put permanent pins on the perimeter of the preservation area, so they need to take that metes and bounds description and go out there and physically put those pins in the ground. Frampton added that once the pins are put in, a wall would be constructed about 2 inches inside of that perimeter. Kuloloio asked if this is the delay to which Frampton answered yes. Minn asked if during this delay if there will be continued maintenance of keeping the brush and other vegetation down. Frampton said yes it will be done on an as needed basis and explained that the landscaping firm in charge of installing the long-term preservation measures also goes to the property on a weekly basis to do maintenance of the yard.

Minn asked if this parcel had a shoreline access issue which was also brought up by Hall. Frampton said the family members wanted an opportunity to have shoreline access, the owners indicated a willingness to allow them access on one side of the property, however the family members wanted access on another side of the property and there is a little disagreement between the family members and the owners. Maxwell asked where is the original access to the ocean? Frampton said he wants to say on the Honolua side of the parcel is where they would come down to the cliff, but they also accessed the ocean along that entire frontage because that was all family land. Maxwell asked if the families preferred the old access? Frampton said the old access would basically go through the middle of the home because the old access originally went to a home site and from the home site you could go to the shoreline a couple different ways. Hall said if the family is willing to access along the boundary of the property, there's just the matter of whether it's going to be the north or south end of the property. Frampton said the family would prefer

access on the south side of the property but the owners would prefer allowing access on the north side, something along the driveway so it's not like you're walking right in the front of the owner's house.

Kuloloio asked if access will be part of the burial treatment plan. Hall said no because this is shoreline access with the purpose of being able to honor the ancestors whose ashes have been scattered in the ocean correct? Frampton agreed with Hall who pointed out that this issue never came up in the burial treatment plan and this is something that is now being negotiated between the land owners and the lineal descendants. Kuloloio asked "if the family made any clarity in regards to how many times a year to visit or to access *mauka makai* vice versa going to the burials or going to the ocean per times a year." Frampton said he doesn't think they (family members) were specific but he believes the family visits at least once a year and perhaps a little more frequent but not something that is done weekly or monthly. Kuloloio expressed how he wanted the family to have rights to visit at least 2-3 times a year from the owners which isn't asking very much. Hall asked if the access will be subject to the same type of terms that are contained within the BTP. Frampton said this is a main concern of the landowner because they had gone through a lengthy conservation (inaudible) permit process as well as a lengthy burial preservation plan process and these issues weren't brought up at that time. Frampton mentioned the landowners are comfortable working on an arrangement with the family members on an informal basis, but they are less comfortable doing something like an easement.

Maxwell asked if access to the burial sites was being discussed to which Frampton answered no, Maxwell then asked if access to the ocean was being discussed to which Frampton answered yes. Frampton said the ocean is what they maintain as the burial site because that is where they put the ashes. The council asked Frampton to keep them informed of future developments. Kuloloio asked if the owner is planning to sell the property? Frampton said his understanding is that the property is on the market. Hall asked if he would be back next month, Frampton said no he would be out of town and would write a letter to Hall giving an update of the situation with the landowners and family members, lineal descendants.

(Glenn Richardson arrives at 9:25 a.m.)

**C. SANDWICH ISLES COMMUNICATIONS INC. FIBEROPTIC CABLE
INSTALLATION PROJECT**

Information / Recommendations: Status update on project and Section 106 consultation.

Dawn Chang representing Sandwich Isles Communications identified herself and Lisa Rotunno-Hazuka. Chang said "at the last meeting (April 28, 2005) we talked about the technology of plowing and the council felt very uncomfortable about this technology because like boring you can't see underneath where the plow is going. As a way to address this concern, Sandwich Isles spoke with Hazuka about doing some test pits along the proposed plowing route. Consequently Hazuka did those test pits and Control Point was brought onboard to survey the route. I (Chang) think Hazuka spoke with Melissa Kirkendall and Hall about the test pits. Chang said Hazuka also spoke with Kuloloio who did go out to see the construction and a message was left with Maxwell. I'm (Chang)

going to let Hazuka explain what happened during this project and answer any questions you may have.”

Hall stated to the Chair (Maxwell) “that the majority of this trenching was done last week Thursday and Friday (April 21 & 22) when I was in Honolulu at that time and because of this, I was not able to go to the trenching sites.” Maxwell said he too had planned on going out to the site on Haleakala Highway but things happened.

Hazuka for Sandwich Isles Communications identified herself and said “backhoe trenching was done for the route from Pu’unene to Kula. The route consisted of Hansen Road, a small portion of Hāna Highway and about 6.8 miles of Haleakala Highway. The handout I presented you shows the route to be plowed.” Hall interjects for clarification of exact distances of each section of the proposed route to be plowed. Hazuka said Hansen Road is about 1.6 miles, Hāna Highway a small section between Haleakala Highway and Hansen Road is about 0.6 miles and Haleakala Highway which is before Makani Road is about 6.8 miles. Kuloloio asked for the distances to be repeated. Hazuka said 1.6 miles on Hansen Road, 0.6 miles on Hāna Highway and 6.8 miles on Haleakala Highway for a total of about 8 miles ($6.8+0.6+1.6=9$).

Hazuka said “trenching was done on Thursday (April 21), Friday (April 22), Saturday (April 23) and Monday (April 25). Trenching started on Haleakala Highway at the intersection at Hāna Highway and worked up to the end which is before Makani Road just before Makawao Avenue. A total of 42 trenches were done along Haleakala Highway.” Hall asked Kirkendall if she was able to go to any of the trenches to which Kirkendall said no. Hazuka referred to a display board and said the trenches contained a lot of brownish red silt or silty clay. Hall asked for the width and depth of the trenches to which Hazuka said the width was 2 feet wide by 4 feet deep by 5-8 feet in length. Hazuka said approximately a third of the trenches, in the top 2 feet was some type of fill whether it was till zone, old road bed or out cropped bedrocks. Hazuka said “15 out of the 42 trenches contained some portion of fill. We also, along Haleakala Highway tried to put most of the trenches in areas that didn’t look like fill to try and see what the original stratigraphy was. In most trenches a three layer stratigraphy was present which consisted of overburden which is layer 1, which is about 10 centimeters or about 5 inches thick. In layer 2 it was either the till zone or the silty clay and layer 3 was bedrock or clay. Out of the 42 trenches no cultural remains were found such as charcoal or marine shells. There was no evidence of sand.

Maxwell asked if the ground was sterile or past-sterile. Hazuka said most of the trenches were sterile for cultural remains but the bottom for a lot of the trenches started to hit bedrock. Hall asked where in particular along the 6.8 mile route did the trenches start hitting bedrock. Hazuka referred to a map and said it was near the top. Hall asked Kirkendall to come where she could see the display also. Hazuka referred to a display chart and said “there were 42 trenches which started at the bottom of Hāna Highway and Haleakala Highway, this one here, you can see a little bit of rock in the side wall, but primarily there was another trench here, 240.00 that had a little bit of rock in the profile about a third of the way up and then towards the end we hit gravel and some bedrock.” Maxwell asked if towards the end if it’s Makani Road to which Hazuka said yes. Hazuka said in general reddish brown clay was the bottom layer. Maxwell said the coloration changes also as you get higher. Kirkendall asked if a lot of the silty clay found lower was due to erosion to which Hazuka said it could have been. Hazuka said it seemed that if

there was going to be disturbance or fill it would be in the top two feet, the bottom two feet was generally original and or rock. Hall asked if she was implying that the rock is not original, to which Hazuka responded no the rock is original. Maxwell asked if as you go *mauka*, do you encounter more rock to which Hazuka answered yes if you have to generalize. Kuloloio said he didn't see too much on Hansen Road like on the bridge and was interrupted because Hazuka asked the council to let Holly help with explanation since she was present during the trenching.

Holly Formolo of Archaeological Services Hawaii (ASH) introduced herself. Kuloloio asked about a trench nearest to a piggery on the Hansen Road and Hāna Highway intersection and asked what photo on the display chart it would be. Hazuka wasn't sure she understood Kuloloio's question. Someone asked Kuloloio what his question was. Kuloloio said the first trench on Hansen Road along with the second and third trenches that goes towards the piggery and towards the ditch down to the airport, were those trenches mostly riverbed rocks or just rocks? Formolo said there were no riverbed rocks. Kuloloio asked if when doing the test pits for the trenches if Hazuka and Formolo incorporated other things outside of the trenches like the surrounding environment and atmosphere. Hazuka answered yes and said for instance on Haleakala Highway a couple of the trenches were near the existing cane when we came up with the till zone, it wasn't in cane now but it was next to cane. Chang asked Kuloloio what he saw from being present at the site on Thursday and Friday. Kuloloio said from his observation he was looking for some different things, but he wanted to hear more from the archaeologist, from Kirkendall's point of view.

Hazuka said "from a cultural standpoint there weren't any cultural materials in the trenches. 42 trenches were done along the 6.8 miles to try and get a representative on what's in the area. The trenches were spaced about 800 feet apart." Hall asked if the 800 feet spacing of the trenches was (inaudible) in any way as to giving an idea of what is along this route (from Hansen Road to Haleakala Highway). Formolo said what was mostly evident along Haleakala Highway was large black plastic debris and broken glass. Hall asked if it was evidence of modern agricultural activity to which Formolo answered yes. Kirkendall said she was hoping the depth of the area was greater in a sense of revealing more deposits and she was a little surprise the road wasn't built up a little more. Hazuka said there are some areas that look like it may have been built up a little where a trench might have been placed and mentioned that the cane area is lower compared to the road. Maxwell said the road meanders because he grew up in the area and a lot of the road is in the cane fields.

Kuloloio said this is the first time any type of testing has been done up the Haleakala stretch (in respect to the trenches) and asked Hazuka where was the last pit dug on Hansen Road. Hazuka said the pit is past the post office, over the culvert down a steep turn near the entrance of HC&L. Kuloloio said down in this area he felt kind of confident because no evidence about the plantation or residential type things were found. Kuloloio said along the ditches there is silt and the trench nearest the silt didn't pick up any silt. Kuloloio said what he wanted to hear is from an archaeologist's observation what was near and what wasn't near. Kuloloio said going up Haleakala Highway what he would like to have included is something similar to Lahaina where you have all the push pile rocks. Kuloloio said there are push rocks on both side of Haleakala Highway. Maxwell said the push rocks are still apparent in the cane field. Kuloloio said this is the type of information that needs to be shown. Maxwell said from this test pit to where the push rocks are it can

be a quarter of a mile far. Kuloloio said the push rock is not here. Maxwell said that is because this is a new route for the highway. Kuloloio said he understands but if you take what we're looking for, which is historical property whether it be on the surface or below the surface, all this information needs to be incorporated. Maxwell said "I'm going to try and explain this to you, as they got closer to lower Pukalani, what they were going to do was move the highway more towards Hali'imaile, towards that gulch there, but I told them they couldn't build it there because there are lots of rare Hawaiian plants growing there at the top of the knoll which is why they moved the road more towards the cane field. Hazuka said right there in Pukalani by the bypass is where the gulch kind of comes under and there's a big drop off until you get to Makani.

Kuloloio said for him what is important is that on Hansen Road, he didn't see anything cultural whether it was 800 feet apart or 0 feet apart, he didn't observe anything cultural. Kuloloio said he's unsure if the spacing at 800 feet was adequate. Hazuka corrected Kuloloio and said it was 500 feet spacing on Hansen Road. Kuloloio said what is missing is the information during the testing on the elevation of the things that are in the ground. Kuloloio said "it would be so good to see the elevation increase and then watching all the (inaudible) coming down from the olden days when they went push all this *lepo*, miles to the left and miles to the right and this becomes plenty *pu'us*. What is not noted is matching the *pu'us* because I'm a core testing driller. If you look in the old USGS maps which are available, it will show you where all the existing *pu'us* were before the highway and this is where it connects to the rocks. The USGS maps will show what is there from 1937."

Kirkendall asked Kuloloio if what he was saying is rather than (inaudible) the area they cut through the *pu'us*. Kuloloio said yes they cut through the *pu'us*, and the *pu'us* are still inside even though we don't see it today, the *pu'us* are still in the USGS Historic Preservation maps. Hazuka said when you (Kuloloio) were out there you could see when you're going up Haleakala Highway you'll have two knolls here and then a knoll here and we know that's a cut.

(William Frampton arrives at 9:55 a.m.)

Kuloloio said the *pu'us* has names on the USGS maps, we're not showing the *pu'us* by names and that's all I'm asking about because this will help to eliminate a lot of the cultural questions. Chang said "after construction is done a report is always submitted whether it's a (inaudible) MOA or an Archaeological Report to Kirkendall. At that time we can look at additional information and talk with Hazuka about it because she's the one who will write the report. What we're trying to do is, as more construction is being done and as other projects are coming in we want to build a good foundation to work off of because like you (Kuloloio) said, this is the first time this is being done and we could help other projects that may be within this area. What I'm hearing you (Kuloloio) say is that maybe you would like to see that kind of additional information in the final report (this was collectively agreed upon)."

Kuloloio said he feels confident about the Hansen Road and he feels comfortable because he was looking for two things 1) there was no sand, 2) if there was pahoehoe and a'a and if there was anything that would indicate tunneling from the volcano down to the ocean like in Makena and Kihei. Kuloloio said "next he was looking at the flood lane and whatever

the agriculture is because if you push this thing and the continuation of the flooding coming all the way down to the airport. The third thing he was looking at was the testing from Hansen Road to Hāna Highway and Hāna Highway all the way up *mauka* to where Maxwell lives because to allow anymore, we will have to do testing because like I said we now are hitting rocks all up the highway.” Kuloloio said when he used work on a rock quarry he recalls seeing tunneling, lava tubes all the way up by the cemetery, from Pukalani all the way up and this is a different thing. Chang said they are not going to plow in that area, they will do trenching up to Kula Highway. Kuloloio said he feels comfortable going up. Hall for clarification asked if when Kuloloio says he feels comfortable going up if he meant going up to Makani Road to which he answered yes. Maxwell said he thinks this is the purpose why they’re doing this.

Chang said we have done the test pits and we were trying to establish a protocol for areas where we are proposing plowing and that’s as far as it is going to go. Chang said beyond Makani Road and on Kula Highway or where there are culverts, those areas are going to be trenched.

Hall asked Kirkendall if she wanted to comment. Kirkendall said she is trying to maintain an open mind but she’s still having difficulty on the method of plowing despite the more than adequate amount of testing given the nature of terrain, that’s not the issue. Hall also mentioned the findings to date which was agreed upon by Kirkendall. Kirkendall said she is still concerned with the fact that leaves this as our (IBC & SHPD) only opportunity to know what is there and the plowing technology closes off any future opportunity of knowing what is there and if there is anything in between the testing. Kirkendall said she indicated at the last meeting there are many times when no monitoring is required but SHPD still get calls to go out to sites to look at discoveries because when you dig, if it’s open at least you have the opportunity for someone to possibly see something...

(Tape 1, Side B)

Chang said “I was hoping you (the council) would have the opportunity to go out and look at it (trenching) yourself. I don’t know how else, or what more we can do other than literally trench that. We are trying to find a different alternative and we are hoping this is a protocol both you (Kirkendall) and the council will feel comfortable with. I think the intervals of the pits from my understanding was that if Hazuka while at the site found or saw something, she had the discretion to put in more pits and I think Hazuka felt comfortable with the intervals and they were consistent. I don’t know what more we can do or say and I am open to suggestions.” Kirkendall said the archaeology is not in question at all, she thinks it was well done and she trusts Hazuka’s interpretation of the deposits whether she’s out there or not, she is not questioning that in any way. Kirkendall said the fact remains that it is a curtain that closes with this technology, it’s not a curtain that opens that can give us additional information in the future and regarding protocol she is hesitant because this sets precedence. Chang said she doesn’t know how to address Kirkendall’s concerns. Chang said this is technology that is being used on the mainland and will make it’s way to Hawaii and she is here today to try and get the council to feel comfortable enough to permit the use of this technology, yet to also recognize the cultural and archaeological concerns and set measures to as much as possible try and satisfy some of the concerns you (Kirkendall) and the council may have. Chang recognized the fact that she and Sandwich Isles will never be able to fully satisfy the councils concerns

regarding the use of plowing but also mentioned if they do hit something during plowing, they will stop. Kirkendall said “that’s a problem, you won’t know when you’re hitting something. You might know if you’re going through bedrock, you might know if you’re going through an extant flow subsurface, but you won’t know if you’re hitting something archaeological because you closed the door on that opportunity.” Kirkendall said as of right now, she doesn’t see how these concerns are being addressed. Chang said Kirkendall is right.

Maxwell said whatever is set here (IBC meeting), will become precedence. Maxwell said he is comfortable with trenching but there’s still the chance of digging here and digging there and right in the middle could be bones. Kirkendall said she is fine with the trench distances, because there really isn’t any type of rationale for testing in agricultural land and SHPD is trying to establish why one should test in an agricultural field. Kirkendall reiterated about how the use of plowing doesn’t allow you to see what’s beneath the ground while open trenching gives that opportunity.

Naeole asked Chang “when you bore, where does the excess soil go to?” Chang said with boring there’s a container at the back of the truck, because the soil will come back to. Naeole asked how long of a delay from the drill point to the finish point? Chang said this isn’t boring, this is a different technology, its plowing. Chang said plowing has a similar concept as boring in the sense that it’s hooked up at the end of a backhoe, but like boring you can’t see what is beneath the surface, but unlike boring, plowing has a hook that goes down about 4 feet and lays the cables down simultaneously. Hazuka mentioned that you do see the top soil of about 12-14 inches.

Kuloloio said he thinks SHPD’s Maui division needs to put forth more of an effort, he is thinking about things beyond this machine. Kuloloio said what he’s looking for is factual evidence gained from Walker studies. Kuloloio said the Historical Society got records and he’s going to challenge SHPD and everybody else and wait for their answers. Kuloloio said they got the records in the plantation on everything that was done there, what is not included is all the irrigation ditches that was put in by the Spreckelsville beach time of the 1940’s and 1920’s. Kuloloio said all this information is available and they need to look for it so it will help to clear up all the *hulihuli* of the dirt that happened up in the (inaudible). Kuloloio said to him it’s clear because he did his research.

Hazuka said Kuloloio makes a good point and that’s what they (she and Chang) did in the original assessment. Hazuka said if you (Kuloloio) can recall, we looked at each route and gave it a rating of either, high, medium or low on what we expected to find based on previous archaeological work, the presence of LCA’s in the area and any other known sites. Hazuka said “off the top of my head I know that Omaupio has a *heiau*, I’m not sure about Hali’imaile, but going that way, there has to be sites and obviously in Kula and Makawao. But for us, this corridor here, we assessed it again, were there any LCA’s in the area, no, were there any known sites in the area, no. Granted there wasn’t a lot of work and monitoring to identify sites, but we did do that (assessment) and you’re beginning to help us establish the monitoring protocols and we did look at (Winslow) Walker in the beginning.

Hall said this is a problematic issue for the reasons which have been stated numerous times and was again restated by Kirkendall at this meeting. Hall asked what happens if

bedrock is encountered in a trench and if the plow is capable of going through bedrock? Chang said her understanding is that the plow is capable of going through bedrock.

William Frampton asked Hazuka if and when she did her research about locating sites and assessing rankings, what has happened to date and if her research has been accurate. Frampton asked as you went through different highways and predicted a high likelihood, low likelihood, how has this system worked? Hazuka said it has been very accurate and right here in Wailuku she found human remains that were backfilled in an old Verizon trench which was something that was not anticipated. Hazuka said but that is the reason why we always monitor fill that was not previously monitored. Hazuka said so far everything has been as anticipated regarding the ratings. Frampton acknowledge what Hazuka expressed and said he still shares the concerns Kirkendall stated and it's just hard for him to get over the fact of how plowing digs and closes without being able to see. Frampton mentioned it is good to know Hazuka has a system which as of now seems to be working really well. Minn said to do what Kuloloio expressed about looking at the whole picture and finding where the original sites and *pu'us* were and if the road comes near there, to maybe do more testing. Minn said but if the road doesn't go there and the testing comes up sterile, well what can we (the council) say.

Hall said there has to be some reasonable basis for making a recommendation and the council has stated often and repeatedly that this technology should not be employed in sand matrixes. Hall said there will be continued concerns about the use of this technology but when this technology is used there should always be some form of archaeological testing done first and whatever the council decides today is not a green light as it were for this corridor where you have done your testing. Hall said anyone else using this technology should also be subject to archaeological testing, because it's not like Sandwich Isles clears the way for come one come all. Hall said while we are dealing with negative findings they still are not entirely definitive and that is one of the things Kirkendall is pointing out.

Kuloloio said when they're trenching and dropping the fiber optic cables, assuming they're going to stay where we viewed it, pin to pin or trench to trench, and the corridor will line up. Kuloloio said during trenching it will be at least 4 feet, nothing below and nothing above all the way up to the current surface level. Kuloloio asked if the state of Hawaii plans to rearrange the highways and if the Department of Transportation (DOT) plan to cut down to the left and right of where it might also change the existing current fiber optics in the future. Chang said when Sandwich Isles submits their plans for approval, DOT or the county agency will look to see if there are other anticipated construction projects that may affect this cable. Chang said a lot of times the fiber optic cables are placed at the very far end of the right of way and mentioned that she is not aware of any new projects that will be done on Haleakala Highway. Chang said she is aware of a road widening project that may be going on in Pukalani but she doesn't believe there is any single project that will affect them (Sandwich Isles).

Maxwell wanted to make a correction and said they are going to put two more lanes in Haleakala and make it a four lane highway and mentioned this has been in planning for 15 years. Chang expressed how she felt that all the different agencies and companies that are building and regulating, needs to come together to eliminate a lot of the confusion and overstepping of one another. Maxwell said from the location of your (Sandwich Isles)

trenches up Haleakala Highway, they are going to make to more lanes on the Paia side of the highway.

Kuloloio said lets assume we give an approval to permit use of this technology, will this technology open up, because what I'm saying is when the bit is in the ground, that is 8 inches of vibration and when the bit hits rock it causes even more vibration. Kuloloio said there is no use for a monitor because you can't see what is coming up to the surface anyway. Kuloloio said we need to ask the State of Hawaii what are their future plans and of bringing in technology that could be bringing in a 72 inch sewer line. Kuloloio said we need to be aware if the state is going to drop this 72 inch sewer line into the ground and mentioned he seen 36 inch sewer lines so far. Kuloloio said we need to set precedence and where will the future plans about boring come into place.

Hazuka wanted to clarify and said they are going to monitor this route anyway regardless of the technology, because we want to see what comes up. Hazuka said like in Lahaina when a bulldozer drops the hooks and drags on the surface, we walk right behind and watch the ground and look in the cracks to see if anything is present. Hazuka said despite not having the visibility of below two feet with this technology, SIC already knows we will be out there monitoring.

Hall asked commissioner Kuloloio what was his last statement. Kuloloio said his last statement was in regards to (plowing) and setting up the use of new technology on highways. Kuloloio said when you labor everything is done by hand and you only do 10-20 inch sewage and drainage lines, but with the new technology you are able to do 36 inch drainage lines with the same type of boring. Kuloloio said he wants to find out where the State of Hawaii and the council is coming from on this issue because we (IBC) will be setting the conditions on these things. Maxwell said we could make an inquiry to the department about protocols possibly with and through the burial council and the expertise of the drillers and whoever else to get some kind of protocol for SHPD to follow. Maxwell said otherwise it's going to be precedence and people are going to push that envelope and to have SHPD enforce this without some ground rules won't happen. Frampton said he thinks the concerns about precedence setting are valid and should be taken seriously, but the uniqueness about Maui is that every square inch of land is different. Frampton said because of this we need to be able to handle this on a case by case basis to make sure we don't do precedence setting like when Hazuka did her examination of the records for the (inaudible) and try to determine the likelihood of what's happening on that corridor. Frampton said this needs to be required of everyone and this is why we don't do precedence setting, but we need to be fair and consistent when we look at these projects.

Naeole said he thinks it's inevitable that change is going to come and the new technology is going to come whether we the council like it or not. Naeole said what we're (the council) faced with is how to prevent things now with what is going to be happening in the future. Naeole said he's very satisfied, he likes the way everything was tested and he is satisfied with that. Naeole said with the hooks being dropped into the ground, we need to treat this culturally as if it's already hitting something, but he isn't sure about how to address that yet. Naeole said he likes the new technology and thinks they (council) could set precedence for the state to say this is what needs to be done and it (plowing) can't be used in sand layers. Naeole feels the council can fine tune this issue to move ahead and

that the council just needs to be aware of this issue as a choice of change or abuse of change and to make sure that there is no abuse of change.

Maxwell said the council can never forget what our goal is, to protect the *iwi* and technology should bend to the needs of protecting the *iwi*. Maxwell said the bottom line is that the council shouldn't have to sacrifice its' mission so that it can adhere to modern technology because the *iwi* was there first. Maxwell said it should be how modern technology can adhere to our cultural rules.

Kirkendall expressed her appreciation and gratitude to Chang for bringing the plowing methodology before the council because when permit applications are received for review, the precise technology proposed is not always indicated. Kirkendall said since Chang came in front of IBC, both she and assistant archaeologist Cathy Dagher have been requesting that the precise technology be indicated on permit applications so it may be reviewed. Kirkendall thanked Chang again for introducing the plowing technology.

Hall moved and Naeole second “that the Maui/Lana’i Islands Burial Council does not oppose the use of plowing technology by Sandwich Isles Communication for the limited purpose of the fiber optic cable installation project along approximately 1.6 miles on Hansen Road, 0.6 miles on Hāna Highway and 6.8 miles on Haleakala Highway based on the documentary research and subsurface testing conducted for these specific portions of the project. The council does not approve the use of plowing technology in areas containing sand matrix.”

Kuloloio asked if the *pahoehoe* is covered in the motion with sand, to which Hall said it's pretty clear that if sand matrix are encountered, then that is something that will have to be reevaluated. Maxwell said a question similar to Kuloloio is once you hit Pukalani you will possibly be hitting burials all the way and through Kula and what if in those areas you don't hit sand. Hall said the council has made it clear that they have concerns anywhere *mauka* of this particular project which is below Makani Road. Hall said plowing will not go beyond Makani Road and Sandwich Isles is committed to reverting to conventional trenching. Hall asked Chang if she sees that the council is not recommending plowing they are simply not opposing it at this time. Chang said she understands what Hall has motioned and that should Sandwich Isle decide to use plowing in another area, at least there is a process that identifies what information is needed. Maxwell for clarification said in different areas may result in a different ball game in terms of what information or tests are needed. Chang reminded the council that there will always be an archaeologist present during plowing, boring or trenching and if at any time the archaeologist feels there is something in question, the archaeologist has the authority to halt progress.

Hall said if there is a future project that wants to use the plowing technology, unless you have base data from archaeological testing, you don't know whether or not you're getting into an area where the matrixes change unexpectedly and that's the reason of having other projects using this technology undergo the same type of testing as Sandwich Isles. Kirkendall agreed with Hall and said that is also the reason why SHPD sent several permits back requesting additional information because she suspected plowing might be the technology they planned to employ. Kirkendall said this also allows SHPD to call for inventory survey prior to work being done and or open trenching.

VOTE: ALL IN FAVOR. The motion carried unanimously.

Chair Charles Maxwell asked to take a quick recess and thanked everyone for their condolences for him and his family and turned the meeting over to vice-chair Dana Hall.

(Maxwell exists at 10:28 a.m.)

Vice-Chair Hall calls the meeting back to order. The meeting reconvenes at 10:38 a.m.

D. NEW SANDHILLS RESIDENTIAL PROJECT, WAILUKU AHUPUA'A, WAILUKU DISTRICT, ISLAND OF MAUI; TMK: (2) 3-8-007: PORTION OF 121

Information / Recommendations: Status updates on inadvertent burial discoveries and proposed mitigation for inadvertent burial discoveries.

Lisa Rotunno-Hazuka said there is no update on New Sandhills. Hazuka said she has been working with the vice-chair on finalizing the long-term preservation measures that will go into the burial treatment plan (BTP). Hazuka said nothing has changed beyond what was discussed at the last MLIBC meeting in regards to the buffers, the measurements and the platform. Hazuka said Hall has just been fine tuning her language.

Hall asked if final subdivision approval has been granted to which Hazuka said she wasn't sure. Hall said she is concerned about the burial preservation plan, (BPP) because these are all inadvertent burials that have not yet been submitted for review and approval. Hall said the most important part of a BTP is the long-term preservation measures since the majority of the burials will be preserved in place. Hall said there are also a large number of burials that will be relocated because either they were previously disturbed, or both previously disturbed and recently disturbed. Hall said some burials were found above elevation around 8-10 feet above finish grade making it impossible to preserve in place. Hall said her concern is that because the burials will be located on different lots within the subdivision, that these long-term measures somehow get incorporated into the deeds for those lots so that it's not dependent on the review and approval of a BPP. Hall said to be sure it has been disclosed to property owners that these burial sites are on their property and what their responsibilities are.

Hazuka said the long-term measures that have been completed to date have gone to the realtor and attorney who are writing up the sale agreement for each individual lot and owner. Hazuka said she sent a packet to the attorney enclosed with the long-term measures for each burial site that should be included with the deeds. Hazuka said it is her understanding that that is what the attorney is doing and asked to be called for confirmation. Hall said a packet with the long-term preservation measures should also be transmitted to SHPD and the burial sites program.

E. ALEO DRAINAGE PROJECT ALONG OHA'A STREET, MĀ'ALO STREET, AND OLA STREET TO KAHULUI COMMUNITY PARK, COUNT OF MAUI, DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT, KAHULUI, MAUI

Information / Recommendations: Discussion of drainage project and potential effect on burial sites.

Howard Hanzawa of SSFM International introduced himself and said the item on the agenda has been a problem area for many years in term of drainage. Hanzawa said the Department of Public Works and Waste Management has asked him (SSFM International) to assist them with resolving this problem with the use of new technology that has been recently discussed. (Hanzawa handed out a map of the problematic area) Hanzawa introduced Joe Krueger an engineer with the Department of Public Works and said Krueger is very aware of the problem. Hanzawa said the problem is in Kahului and the area has experienced flooding once every two years and the real problem area is off of Oha'a Street. Hanzawa said at the intersection of Oha'a and Ma'alo is where an area of run off from other streets collects and builds up. Hanzawa said from Aleo to Ma'alo is a relatively flat area and once the build up reaches a certain point, it starts to pore over onto Aleo Place and floods the area. Hanzawa said on Ma'alo the build up reaches a point so it becomes a hazard.

Naeole asked if the flooding Hanzawa is referring to causes personal damage to homes, vehicles and other subsequent damage to which the answer was yes. Hanzawa called on Krueger to give an account of what he's seen over the years. Krueger said "on the bottom of Aleo Place, it's like a pond because it's a low lying area. The houses are four feet above the road and the water has gotten in the house. When cars are parked down there (Aleo Place) and it rains, the cars get flooded out and it ends up being a total loss and this is aside from water getting into the house and ruining everything inside of the house. Several things are being done to alleviate this problem. One is to do drainage improvements at the bottom of Aleo Place, but if we can remove the water before it reaches Aleo Place, that would be easier than solving the problem of draining the water once it reaches the bottom. We were thinking of taking the water across Onehe'e Avenue into the Kahului Community Center Park area." Hall said that's a wide open field. Krueger acknowledged and added, the lowest part of the park is sort of a drainage area. Krueger said "the problem with this is its pretty high to go from the low point to climb a hill to go into the park. We'd have to pump it (the water) or go way underground with our storm drain. We looked at our (Public Works) pump system and thought of going with a pump system at first, but we would have needed three large pumps to come on and drain the water at Aleo Place during rainy season. We showed our plans to our maintenance people and they didn't want any part in maintaining a pump. Another problem was, what to do if a pump goes down which leaves us with a replacement problem."

Krueger said "now we are thinking of going underground and we may have to go 20-30 feet deep, but digging a trench that deep where you have water and sewer lines is very difficult and it's all sand." Krueger said Hanzawa came up with a suggestion of boring. Naeole for clarity asked if the current drainage system is unable to handle the water to which Krueger said yes. Krueger said once the water fills up there's no where for it to go and what is currently done is we send a portable pump down to the flooded area to pump the excess water until it goes down. Krueger mentioned that this is the only thing they can do at the moment to alleviate some of the excess water. Minn asked where is the water pumped? Krueger said the water is pumped up Oha'a Street and then to Ka'ao Circle. Krueger said on Ka'ao Circle towards the left is the low point but the water flows down towards the right of Ka'ao Circle.

Krueger said the other improvement being made on the bottom of Aleo Place is the installation of a permanent (inaudible) so when the pump is put in, the hose won't have to

be laid all the way up the road which is the hardest thing to do. Krueger said this way they'll have the line already there so that all they have to do is hook up the pump to the hose. Krueger said the problem with this is cutting through the hill. Minn asked if the hill is on Onehe'e to which Krueger said the hill is on Aleo and Ma'alo.

Hall asked Hanzawa if the proposal is to use horizontal directional drilling (HDD) to install a 36 inch diameter pipe to which he said yes. Hall said the only other project that came before council using similar technology is Sandwich Isles. Hall said Sandwich Isles bit was only 4 inches, now we're talking about 36 inches. Minn said we already found burials, Naeole said just look at Honokahua and mentioned that 30 feet will not be a safe depth. Hall said she thinks the deepest burial at Honokahua is 15 feet. Hall said at Maui Lani there were burials at 9 and 10 feet. Hazuka said the deepest burial we did was 10 feet, but also mentioned that she (ASH) missed an *imu* pit at 25 feet and another *imu* at 15 feet.

Hall addressed Hanzawa and Krueger and said while you're both explaining some of the constraints and reasons about why you and the county want to use this technology, at the same time we will tell you why we are resistant towards this technology and what is the basis for our resistance.

(Tape 2, Side A)

Hall said she feels very strongly that we (council) couldn't approve installation of utility lines or pipes under areas that may contain burials, because then you basically have a sandwiching effect. Hall said we (council) are used to burials being affected coming from the surface down because this is what usually happens during trenching activities. Hall said if we allow technology to be installed under a burial so the burial is now subject to disturbance from both beneath and above and having the burial cut off from its connection to the greater mass of the earth, the burial loses its place and sense of integrity. This is one of the compelling reasons why we have trouble approving the use of horizontal directional drilling technology. Hall said this is also why we do not recommend use in sandy areas because of the presence of burials.

Hanzawa said we (SSFM) are very aware and respectful of the sensitivity of this type of project especially with boring. Hanzawa said he wanted to make the council aware of this particular problem of the issue with drainage which has been going on for many years. Hanzawa said the Department of Public Works has been dealing with this and now more than ever due to the amount of complaints by the residents a resolution has to be met. Hanzawa said after reviewing the problematic area and being aware of what type of technology is available, it was recommended to the department that horizontal drilling could possibly alleviate the drainage problem and the use of this technology would have to be presented to the council and to get councils recommendations on the matter.

Hall said it just boggles her mind that there can be horizontal directional drilling for installation of a 36 inch pipeline. Hall said this must be an expensive technology to employ to which Hanzawa said it would be very expensive compared to a line that could be buried 5 feet deep. Hanzawa said a special machine would have to be brought in which would be a big mobilization cost. Hanzawa said given the degree of development in the area and having utility lines and private property walls, by using conventional trenching it would be a

real problem for the residents and the utilities, which is why the horizontal drilling has been considered.

Hall asked how far along are you (Hanzawa) in terms of design, meaning could you tell us (the council) today if you are doing a corridor, the width of the corridor you would be working with and how deep the trenching would be along this project area. Hanzawa said they just started looking into this problem. Hall asked if conventional trenching was to be done, how deep and how wide would it be. Hanzawa said if the project was in an open field conventional trenching would be done and it would be done very, very wide being that it would be very deep and in sand. Hanzawa said trenching can't be done without being aware of what's in the area such as; private property and utility lines. Hall said she understands what Hanzawa was saying and mentioned that the council has dealt with conventional trenching issues for a longtime. Hall said the council understands the concept of "benching" which basically says the deeper you go, the wider it has to be, except when you have a steel box or some kind of shoring which would allow achievement of a deeper depth without a wide opening at surface. Hall said this is clearly an area where shoring will need to be done in order to reach the depth to place the drainage pipe, it's just the fact of installing a 36 inch drainage pipe and if it will hook up to any other drainage feature to which Hanzawa answered no. Hanzawa said he believes the department does not have any existing lines for drainage in the area that will be able to hook up to the 36 inch line.

Hanzawa said "they are planning to install catch basins at the intersections contributing to the flooding. A catch basin would be on Ma'alo Street and Oha'a Street. The catch basin would direct the water into the box that would hold the 36 inch line that would drain the water out of the area." Hanzawa said these would be conventional catch basins, installed conventionally. Hall to clarify asked if Hanzawa meant open trenching to which he acknowledged. Naeole asked if there are gutters on Ma'alo and Oha'a. Hanzawa said there are no gutters, but mentioned there are a couple of graded inlets that he believes go into a sump just before the inlets. Frampton asked what is the large parcel on the opposite end of Ma'alo Street? Hanzawa said it is Lihikai School.

Kuloloio said he was looking at the assessment done by Maui County and was thinking about the bigger picture, the 6th increment at Ma'alo Street seems to reveal a delta situation which reflects traditional flooding. Kuloloio said when assessments are done by the county, does the county also look for other places within the Kahului sand dune area with the same or similar problem(s) that may also involve economic liability that deals with cost and possible suits against the county in terms of property damage. Kuloloio asked if there are any other flood areas currently being investigated or talked about, or is this area (Aleo Place) a random selection to use horizontal drilling or if horizontal drilling will be used elsewhere. Naeole said is this one of maybe 10 projects that may be coming before us (the council).

Krueger said yes an assessment was done on the Kahului area and mentioned that there is a Kahului Drainage Master Plan. Krueger said it's his understanding that Aleo Place is the worst area flooded because of how deep the water gets (10-12 feet) and there is significantly more property damage at Aleo Place than any other flooding areas. Krueger said as far as he knows, this area (Aleo Place) has the deepest cut, because it has the deepest hole. Krueger said there are also a couple of dry wells at the bottom of Aleo

Place and there are plans to install another dry well but it doesn't work as well as a drain. Hall asked for a clarification on deep cuts. Krueger said there are several pockets that are areas where the water will go and collect and has no where to go making this the deepest pockets. Hall asked if the sand dune in the area was affected to some degree when the subdivision was developed. Hall said surrounding development including the construction of road ways created a great deal more in terms of impermeable surfaces, in regard to storm waters with no where to go because there is no sufficient drainage in place above where this problem is located.

Krueger said this particular problem was created when they built the subdivision. Hall said she is in agreement with that statement. Krueger said he doesn't think other developments are contributing to this particular problem because the drainage area that contributes to this appears to be only in this increment. Minn asked if they have storm drains there now to which Krueger said no, not in this area. Krueger said what we have are dry wells and injection wells and they are cleaned every so often. Krueger said with the injection well a person is hired to come out and clean the well, with the dry well there is a pipe that goes down 60-80 feet and the bottom is perforated. Krueger said there is an elbow that comes out where the water can enter but not the trash. Krueger said the elbow is taken off and the water is pumped up and down to clean off the rubbish, a camera is also sent down to see how deep it is. Krueger said the well clogs every one to two years but maintenance doesn't want to clean the well more often than five years.

Kuloloio who lives on Ma'alo Street shared what he's seen over the years. Kuloloio said Aleo Place is the area with the issue of flooding and property damage. Kuloloio said at the intersection of Ma'alo and Oha'a Street, there's flooding but no damage and the water level reaches around a cars hubcap. Kuloloio said on Ma'alo Street it's the same thing, in the heaviest rain the water level reaches a cars hubcap level. Kuloloio said the water recedes in about 8-10 hours, in about 5 hours the water drops to the tire level just below the hubcap. Kuloloio said lets assume work will be done on Oha'a and Aleo Place that will divert some of the excess water down Oha'a and on down Ka'ao Circle, has a reassessment been done to possibly divert some of the water to another street where trenching could occur. Kuloloio said trenching for the highways are usually 10-15 feet deep and what he wants to know is if another possible route to alleviate some of the excess water has been looked at because to divert the water off of Aleo Place is only a matter of maybe 15 feet.

Hall said she liked Kuloloio's suggestion and asked if an environmental assessment of this project would be done, to which Krueger answered yes. Hall asked if the assessment would look at alternatives. Krueger answered yes and said they did assess the alternate route that would divert the water down Wakea across onto Maui Community College (MCC) on down to the sump near Kahului Beach Road. Kuloloio said if there are other opportunities it should be explored and suggested the drainage pipe could be dropped from 36 inches to 12 or 18 inch pipe. Krueger said as we go down Ka'ao and down Wakea, by the time we cross Wakea Avenue the size of the pipe is 96 inches. Krueger said we would then go through MCC with a 96 inch pipe into that sump behind Kahului Beach Road. Krueger said the reason Ma'alo and Oha'a doesn't get very high is because the water overflows down Oha'a Street onto Aleo. Krueger said we want to stop the water at Ma'alo and Oha'a before it reaches Aleo Place because this is where most of the water comes from. Frampton asked about how much water is being talked about in regards to

volume. Krueger said he doesn't have those numbers. Hanzawa said a quick and dirty assessment just looking at contributing and possible contributing areas was done and we came up with close to 90 cubic feet per second during a 10 year storm.

Kuloloio said he thinks Oha'a and Ka'ao can serve a purpose but to reduce the amount of water running down Aleo Place, he suggested using the bump system. Kuloloio said if a bump can be put in place to redirect the water from going down Aleo and have the water run down Ma'alo, since Ma'alo doesn't get very high. Kuloloio said let Ma'alo be the test and divert the water to Ma'alo and we could wait a year and see what happens. Krueger said Kuloloio's suggestion could work if the bumps are made high enough, but mentioned an obstacle with using a bump that high is a car would not be able to go down Aleo Place. Kuloloio said no one did a study, like how there's traffic studies we need to do a water flow studies. Krueger said there is and he has the Kahului Drainage Master Plan which shows all of the water drainage areas, where the water ends or goes and a plan to take water away from low pockets to have a good drainage system for Kahului.

Naeole asked if the intersection of Ma'alo and Ola Street is a pocket (where water collects). Krueger said that's a high point which is sort of on a hill and the water flows down Ola and onto Onehe'e. Hall asked what type of elevation difference is being talked about? Hanzawa said about 30 feet, but a survey hasn't been done yet. Hall said 30 feet from where and from what distance? Hanzawa said 30 feet elevation from the top of the Ma'alo and Oha'a intersection in comparison to the Ma'alo and Ola intersection. Hanzawa said to start the line, a box will need to be put in, which would be below the existing grade about 6 feet. Hanzawa said the line will be buried to start and would need to slope down towards the exit point in the park.

Kuloloio asked if lines will be placed to divert the water from Aleo Place to the Ma'alo and Oha'a intersection. Krueger said no, a permanent hose will be installed at the bottom of Aleo Place so it can be connected to a pump that will pump water up and out of Aleo Place. Kuloloio asked where the lines would be located and what size would it be. Krueger said it will be on the bottom of Aleo Place on the side of the road and it will be a 6 inch line. Kuloloio was still unclear about the pump and the lines being put in at the bottom of Aleo. Krueger said the water being pumped out of Aleo would go onto Oha'a and travel down Ka'ao. Krueger explained this pumping method is a secondary backup to alleviate some of the water that builds at the bottom of Aleo. Krueger said the primary way in dealing with Aleo right now is with the wells, the dry well and the injection well. If the water flows too much that the wells can't accommodate the water, then maintenance will be called and at that point all they can do is pump the water out to try and relieve the buildup. Krueger said the problem with this is maintenance won't be able to pump the water out as fast as the rain brings water in, so the water level will continue to rise, causing flooding and ultimately property damage. Krueger said maintenance will continue to pump all day and night until the water goes down to road level and that this is what maintenance has and is currently doing.

Naeole asked about how many homes are affected on Aleo Place. Krueger said it's mainly the houses at and around the bottom of Aleo which are already about 4 or 5 feet off the ground. Krueger said basically we are here to find out how the council feels about boring. Naeole asked if there was an estimate for the total cost of the project and said if you (Krueger) had your way right now, about how much would it cost to do everything you

want? Krueger said he would estimate about half a million dollars. Krueger said the alternate route proposed by Kuloloio about installing a storm drain to channel the water down Ka'ao, down Wakea across to MCC would cost around 20 million dollars. Krueger said it's hard to get funding to do these projects and in the meantime they (Public Works) try to take care of the worse problems the best they can. Minn asked if what is being discussed would be part of the major drainage plan anyway to which Krueger said yes. Minn asked how could Oha'a Street be engineered to alleviate the over flow of Ma'alo and Oha'a instead of using a 36 inch bore. Frampton said he thinks if Oha'a is redesigned to stop the water from flowing down Aleo, the water would ultimately flow and flood someone else to which Krueger confirmed. Minn said the council does not like boring and if there is another way of dealing with this, to explore those options. Krueger said this is the type of information he wants to know and said the job was just started, no field survey has been done yet and this is the first talk about the project with the council. Minn said he appreciated Hanzawa's and Krueger's effort in coming before the council to talk about this. Krueger said that's why they came so both sides know where each is coming from and to work together on this.

Kuloloio asked if the injection wells would still be bored to which Krueger said yes. Kuloloio said to come back as the project progresses. Both Hanzawa and Krueger acknowledged what Kuloloio had said. Frampton said the injection well will be completed soon because it is a quick emergency response to the rain. Hall suggested monitoring during the digging which was agreed on by the council.

Hanzawa said what they're (SSFM) planning to do is excavate as far as possible and sheet pile as best as they can. Hanzawa said they would trench about 10-12 feet and then start the boring and mentioned that he was thinking of putting in a manhole at the top of Ma'alo and Ola which would be real deep. Hanzawa said trenching may be done from the intersection of Ma'alo and Ola up to the intersection of the park until it starts to get deep, then a bore line can be put in. Hanzawa said the 36 inch bore that was brought up today, after talking with Heinkles and McCoy a boring company, they suggested it was the largest feasible line. Hanzawa said in choosing the size of the line, it was not done based on the amount of water that goes in or collects in. Hanzawa said the size of the line was chosen based on feasibility and the line could probably be reduced to around 24 inches but nothing smaller than that. Hanzawa said he wanted to let the council know what is being planned and get the council's thoughts. Minn asked if the lines would be concrete to which Hanzawa answered no it will be a material called (inaudible) which is a high density polyestlene which is a plastic pipe.

Hall asked if Hanzawa was going to go forward with developing the project. Hanzawa said no that is why they are here today, to get the council's feedback and recommendations in trying to resolve the problem of flooding at Aleo Place. Hanzawa said the Department of Public Works couldn't resolve this problem for many years because they needed a cost effective solution. Hanzawa said in assisting the department they wanted to know what may be available currently and what type of new technology is available. Hanzawa said he realizes that with the new technology there's a sensitivity which may lead to problems that the burial council can see. Naeole said he and the council appreciates the fact of Hanzawa and Krueger making them aware of their plans and mentioned that there is a non-conventional way of resolving this problem so it's a win-win situation for everyone, it's just taking the time to sit down and figuring it out. Frampton said that the residents must

be involved also which was agreed by all. Hanzawa said although he can't speak for the department, he suggested the possibility of shortening the drilled section if need be and to make it smaller if need be. Hanzawa said from looking at newspaper clippings, he recalls two flood events this past winter in the area of Aleo Place. Hanzawa said he recalls reading about residents complaining that the county has been unable to solve the flooding issue and they have been complaining for 40 years. Krueger said the county is looking at resolving the problem.

Hall said if the county goes forward with considering horizontal directional drilling, there ought to be an archaeological inventory survey in the area that may be proposed to employ that technology. Hall said she would hope the level of testing would be pretty intensive and that some level of confidence is established so that the likeliness of burials are not in the area, then that might change things. Frampton asked if Hall was talking about testing the green strip on the handout from Hanzawa to which she concurred. Hall said hopefully like both Hanzawa and Krueger suggested, the whole project won't have to use HDD. Hall said but if the county decides to use HDD in the sandy area, those areas proposed for the project would have to undergo some intensive testing.

Kirkendall said Sandwich Isles was proposing to do directional drilling off Ho'olenalena and did test the entire length of the proposed route by trenching. Trenching was done until it reached water level or sterile, so there was an assurance nothing like utility pipes would cause burials to be sandwiched. Hall said since the length of the project is a relatively short area, it may be feasible to do that type of intense testing like Sandwich Isles. Hanzawa acknowledged what Hall had mentioned and said the distance from the problem intersection up to Ola and Ma'alo is about 500 feet. Hanzawa said from that intersection up until the park driveway is about the same distance giving the project a total distance of about 1000 feet. Hall thanked Hanzawa and Krueger for coming to the IBC meeting and sharing their plan.

(Kirkendall and Richardson exit the meeting at 11:43 a.m.)

The Vice-Chair Dana Hall calls a 1 minute recess at 11:44 a.m.

The meeting is called back to order by vice-chair Dana Hall at 11:46 a.m.

**F. INADVERTENT BURIAL DISCOVERIES AT ST. FRANCIS DIALYSIS FACILITY
WAILUKU DISTRICT, ISLAND OF MAUI; TMK: 3-8-007:140 AND PORTION OF
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Information / Recommendations: Discussion of inadvertent burial discoveries and proposed mitigation for inadvertent burial discoveries.

Lisa Rotunno-Hazuka of Archaeological Services Hawaii (ASH) introduced herself and said the project area that will be discussed is adjacent to the new Kaiser at Maui Lani. Hazuka referred to a map she had brought and identified the exact project location and said monitoring procedures have been conducted at the dialysis jobsite and found 2 burials to date. Hazuka said 1 burial was found on find spot (FS) 91 during the installation of the dust fence, the burial was disturbed and 8 test units (TU) were done to collect all the human remains of that individual. Hazuka said she believes the burial may have been previously disturbed based on the amount of test units done to collect all the remains.

Hazuka said FS 93 which is in the center of the project area is an in situ burial that was partially displaced from its original context during grading. Hazuka said FS 93 was missed. Hazuka said remains were collected in the past when Kaiser was being built and sand was being borrowed from the neighboring jobsite to use as fill. Hazuka said the human remains were discovered on the surface during the monitoring of when Kaiser was being built and mentioned the remains was of a young child probably age 5 and previously disturbed. Hazuka said they were only able to collect about 30 percent of the remains from FS 93 and she is unsure as to when the burial was disturbed. Hazuka said the reason she is here today is to discuss where the council would feel comfortable designating a preservation area.

Hall asked if the discoveries were the collected remains of three individuals to which Hazuka answered yes. Hazuka said the collected remains are currently being curated in a lab at Maui Lani. Hazuka suggest two areas for preservation and asked the council for their thoughts, 1 will be a grassy area along side a building where there's open space, 2 is near FS 93 but it would be in the middle of a parking lot, however a median would be provided for the burial if need be. Hazuka said she would like to return at the next meeting hopefully with a preservation plan. Minn asked if FS 93 was in situ to which Hazuka answered yes. Minn asked if portions of FS 91 was in situ to which Hazuka said more than likely because there was an in situ component. Naeole asked what are the plans for the corner of the triangle area? Hazuka said it's going to be a grassy area with plants. Kuloloio asked where is the highest point of the area? Hazuka pointed the area out on the map and said it's a 150 foot elevation. Kuloloio asked if there is any construction in the area like sewage lines? Hazuka said no but there may be irrigation. Kuloloio asked how many square feet is the triangle area? (Hazuka responded but it was inaudible) Kuloloio asked if the area being proposed is *kapu*. Hazuka said there is a 2:1 slope that goes from 150 foot elevation downward to a nice flat area where the burials could be preserved. Kuloloio asked if they could *kapu* the whole area to which Hazuka said yes she will ask. Naeole asked Kuloloio if he is referring to the fact that in case there are more discoveries, they could be reinterred in the same area. Kuloloio said yes because it's a nice area and especially if there are no plans for that particular area we should use it rather than the parking lot. Hazuka said what can be done for the 3 individuals that have been found is look at this corner and as monitoring of utilities is being done, we could look at it as a case by case basis because we may find an in situ person while monitoring the utilities. The council agreed that the suggested area for preservation by Hazuka is acceptable.

G. HUMAN SKELETAL REMAINS IDENTIFIED ON THE STEVENS PROPERTY, MĀKENA, MAKAWAO DISTRICT, ISLAND OF MAUI; TMK: (2) 2-1-006:104
Information / Recommendations: Discussion of disposition of human skeletal remains.

Lisa Rotunno-Hazuka of ASH identified the project area and said "it's a 2 acre project area. Inventory level testing was conducted on the parcel in 2002 and discovered an *ili'ili* deposit in a pine knoll. The project area had been bulldozed in the past by the person who owned the property. Originally it was thought that the *ili'ili* deposit was secondarily scattered because it wasn't in its original location. Seven little shovel probes were done and the deposit was 10 centimeters thick until another deposit went down 20 centimeters. Once this was discovered it looked suspicious so we did a test unit and found in profile a pit feature. After following the pit feature we discovered it was an in situ burial."

A recess was called by vice-chair Hall due to a lack of quorum at 11:55 a.m.
The meeting reconvenes at 11:58 a.m.

Hazuka said the burial feature was determined to be of Chinese ancestry and she was removed and interred at Valley Isle Memorial through a determination by the burial sites program. During excavation of this Chinese lady, found in the *ili'ili* deposit were human remains from two individuals and we knew we could find where these individuals came from. If you look at the handout you will see sort of where the extraneous remains are located and the amount of remains present. It looks like a lot but the remains are of a child and adult. And because we think the *ili'ili* deposit was of pre-context component, we figured there must be a habitation site there in the past. We felt that this burial was intrusive, was a historic event that intruded into this pre-contact component. Because of this we think there is a high probability the remains could be Hawaiian and that it was disturbed in the past. Lots of time when a burial intrudes on another burial we find lots of that remains, but it's not the case with this one. It was suggested by the burial sites program to go before the council and talk about the disposition of the remains. We don't know why we don't have the majority of the remains of these people here but it's the reason why we did intensive testing because we were looking for other pits that could be related to these burials. The client would like to relocate the human skeletal remains that we have which is about half of a lunch bag into the southeast corner of the parcel and have a preservation area in that corner.

Hazuka explained where the remains were found and Frampton asked what is being proposed for the area of the discovery. Hazuka said it will be the bedroom. Frampton asked if the area being proposed for reinterment would have a buffer. Hazuka said yes it would have a buffer, some planting and a little platform. Frampton said the only problem he has with the proposed reinterment location is that there is no control on certain sides due to the fact it's near a drop off. Hazuka said she thought of that and thought of moving 6 feet in away from the edge to create more room. Kuloloio asked what is the elevation of the area? Hazuka answered is about 96-98 feet. Kuloloio asked what if it was higher than where the house is? Hazuka said the house goes from 97-103 feet.

Hazuka said there is a well on the property and the well will remain intact where it is. Hazuka said she wanted to reintroduce this case and let the council know a preservation plan will be prepared for the southeast corner of the parcel and will be presented at a future meeting. Minn asked if the whole parcel was tested. Hazuka said yes, with backhoes and more monitoring will be done and she wouldn't be surprised if there are more discoveries. Minn asked if there were any other cultural layers other than the *ili'ili* to which Hazuka said correct.

Kuloloio said if we are going to choose the area in the back of the property, he asks that as much tradeoff is taken as possible because the women discovered must have been put there by family of that land or the area and bears historical significance. Hazuka said the woman was relocated off the property to Valley Isle. Frampton asked if there's a *heiau* or some type of structure near the parcel? Hazuka said there is a really nice koa fishing shrine. Kuloloio said he would like a tradeoff in the corner to go high and to take as much as possible. Hazuka asked if Kuloloio meant to excavate the reinterment pit 10 feet off the property line and have a 30 feet buffer. Kuloloio said yes and both he and Minn said

the property is more than big enough to make these accommodations. Hazuka said it would be near the basketball court. Frampton said *mauka* of the fence has lots of sites to which Hazuka acknowledged. Kuloloio asked if the pit would be away from the drainage to which Hazuka said yes.

Minn asked how is the grave of the woman marked at Valley Isles Memorial? Hazuka said it's unmarked because she put out a notice but no one responded and she was unable to find out who the woman was or who the woman was related to. Hazuka said an interesting find was a button commissioned in Haiti in the 1800's and only 5 of these buttons have been found in Hawaii and this is the only one found on Maui. Hazuka said she will come back next time with the plan for the 30 foot buffer.

Hall asked Kapeliela if separate BTP's were needed for the burials. Kapeliela said yes, from the department's perspective we found it a lot cleaner to do separate treatment plans when burials such as this are found. Kapeliela said with this case it's unusual because you have a Non-Hawaiian and Hawaiian remains mixed in and a lot of times when plans come in as combination plans, there's a good chance problems will arise. Minn asked how was it determined that it was a Non-Hawaiian burial? Hazuka said it's purely speculation it may or may not be Hawaiian.

H. CASE UPDATES / OTHER INADVERTENT DISCOVERIES

Information / Recommendations: Inadvertent burial discovery at Wai'ehu Golf Course.

Hall asked Lisa Rotunno-Hazuka how many burials were at Wai'ehu and if they were done with this case. Hazuka said there are 4 individuals that were identified during testing and monitoring, 1 in one anchor, 2 different types of bone in the second anchor and human skeletal remains on the slope and yes they are done with this case. Hall said the cranium on the slope was not the result of digging. Hazuka said correct the cranium was just found on the slope due to erosion along with a tailbone. Hall asked if the remains are going to be reinterred? Hazuka said yes but she'll have to come back to the council because she does not have any idea as to where they should be reinterred. Hall said the burials that were found disturbed should go on the same slope. Hazuka agreed.

IV. ANNOUNCEMENTS

Minn said the Hāna Hotel reinterment went in. Kuloloio asked if Erik Fredericksen did the reinterment to which Minn said yes and Minn mentioned he was also present during the reinterment.

Hall said at the next IBC meeting we need to have on our agenda the Maliko issue and we need to revisit the property owned by Sky Lewis. Hall said apparently Nelson Armitage and others have been accessing the state roadway down that area and there's some disagreement or dispute going on. Hall said she had spoken with Nathan Napoka, Branch Chief for SHPD who had spoken with Sky Lewis. Hall said from her understanding, Sky Lewis is asking SHPD to write a letter saying because the burial sites at the end of the road could be affected due to Nelson Armitage and others accessing the road for vehicular purposes and that the road should be turned over to Sky Lewis. Hall said this is an issue

that the council will have to sort out and we will place it on the agenda so all interested parties can come and voice their sides. Hazuka said the house in that area is for sale.

Hall said this is Kana'i Kapeliela's last MLIBC meeting and his last day with SHPD will be on Tuesday (05/31/05). Everyone expressed their appreciation for Kapeliela's many years of hard work and blessings for him in whatever he decides to do next. Kapeliela shared that he will be transferring to the Department of Hawaiian Homes Land and thanked everyone for their blessings.

Kuloloio said he will not be able to make the next meeting.

V. ADJOURNMENT

Minn moved and Frampton second, "to adjourn the Maui/Lana'i Islands Burial Council meeting at 12:17 p.m."

VOTE: ALL IN FAVOR. The motion carried unanimously.

Respectfully Submitted,

Kawika Farm
Clerk Stenographer II
State Historic Preservation Maui Annex